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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 4-13-70494-MAG
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM MAY 21, 2013 TO JUNE 19, 2013
)	AND EXCLUDING TIME FROM THE
AHUIZOTI MENDOZA-BAHENA,)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A)) AND
Defendant.)	WAIVING TIME LIMITS UNDER RULE
)	5.1

An arraignment or preliminary hearing is currently scheduled in the case on May 21, 2013, at 9:30 a.m. With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of June 19, 2013 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from May 21, 2013 to June 19, 2013. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into

1 account the exercise of due diligence.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest, and that it is not in his client's interest for the United States to indict the
6 case during the normal 14-day timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
10 the Court finds that the ends of justice served by excluding the period from May 21, 2013 to
11 June 19, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18
12 U.S.C. § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate judge on June 19, 2013, at 9:30 a.m., and (2) orders that
15 the period from May 21, 2013 to June 19, 2013, be excluded from the time period for
16 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
17 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18
19 IT IS SO STIPULATED:

20
21 DATED: May 13, 2013

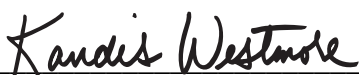
/s/
JOYCE LEAVITT
Attorney for Defendant

22
23
24 DATED: May 13, 2013

/s/
AARON D. WEGNER
Assistant United States Attorney

25
26
27 IT IS SO ORDERED.

28 DATED: 5/13/13



HON. KANDIS A. WESTMORE
United States Magistrate Judge